

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, October 29, 1862.

GENERAL ORDERS, }
No. 79. }

I. At a General Court Martial, convened at Tallahassee, Florida, on the 12th day of September 1862, by virtue of Special Orders, No. 191, dated August 16th, 1862, from the Adjutant and Inspector General's Office, Richmond, whereof, Colonel GEORGE P. HARRISON, JR., 32d Regiment Georgia Volunteers, was President, was arraigned and tried, Major JOHN G. BARNWELL, Corps of Artillery C. S. A., on the following Charges and Specifications:

CHARGE I.

Abandoning his Post.

Specification.—In this, that Major JOHN G. BARNWELL, while in command of the detachment of troops at or near New Smyrna, Florida, for the purpose of protecting the government property landed at that point by the steamers "Kate and Cecile," did, on or about the 11th day of March 1862, abandon his post or position, ordering all the troops of the command off, leaving the arms and ammunition and other valuable property, which he was under orders to protect, abandoned to such evil disposed persons as might choose to take them away, and to the enemy, whose approach in that quarter was momentarily expected.

CHARGE II.

Conduct Subversive of Good Order and Military Discipline.

Specification.—In this, that the said Major JOHN G. BARNWELL, after abandoning his command, and while proceeding in the direction of Tallahassee, Florida, through the interior of the State, did state to divers persons in the country, "that the property landed at Smyrna was abandoned." "That he believed the last package had crossed the St. John's river." "That the only way to save even a portion of it, was for the people to rush over and take what they could carry off in their hands." "That there were splendid guns, swords, pistols, shoes, blankets, &c., which could be had for the taking, or words and expressions of like tenor; which words and expressions did induce many to congregate

about the camps, and tempted them to appropriate to themselves articles of value, to the detriment of the public service."

FINDING AND SENTENCE OF THE COURT.

The Court find the accused, Major JOHN G. BARNWELL, Corps of Artillery C. S. Army, "*not guilty*" of the Charges and Specifications preferred against him, and do therefore *honorably acquit him*.

II. The proceedings in this case, being irregular, in the essential particular that one of the members of the Court, who appears by the record to have been absent one day while the testimony was taking, afterwards resumed his seat, and participated in the further action of the Court, thereby vitiating its judgment, are disapproved.

While there is nothing in the record of this case to leave any imputation upon the courage and zeal of Major BARNWELL, and his skill and judgment in managing his troops, his appropriation of the arms and equipments to the use of the men under his command, is not justified by any exigency that seems to have existed, nor to have been made with proper regard for the responsibility of the officer under whose immediate charge they were.

Neither Major BARNWELL or Major SIMKINS, Assistant Quartermaster (the prosecutor in the case), seem to have apprehended the extent of their duty in regard to the proper protection of these public stores, and to their failure and want of a hearty co-operation, some loss of public property is undoubtedly due.

Major JOHN G. BARNWELL, Corps of Artillery, C. S. A., is released from arrest, and will return to duty.

III. The General Court Martial, of which Col. GEORGE P. HARRISON, JR., 32d Regiment Georgia Volunteers, is President, is dissolved.

By order.

S. COOPER,

Adjutant and Inspector General.